

The Thirteenth Judicial Circuit Court Annual Report 2003



Table of Contents

	Page
Table of Contents	i
Introduction	1
Judges of the Thirteenth Judicial Circuit Court	1
Family Division	4
Leelanau	5
Grand Traverse	6
Antrim	7
Domestic Relations and Juvenile Referees	8
Friend of the Court	8
Case Load	9
Charges/Collections	10
Court Administration Office	11
Judicial Assistants	13
Court Reporter	13
Court Finances	14
Joint Judicial Commission	14
Collections	15
Revenues and Expenditures	16
Case Load	17
New Case Filings	17
Recent Trends	17
Case Load Mix	19
Case Management	20
Civil	20
Alternative Dispute Resolution	20
Case Evaluation	20
Facilitative Mediation	20
Criminal	22
Prison Commitment Rate	24
Probation Department	24
Jury Boards	26
County Law Libraries	27
Special Events, Awards and Recognitions	27

INTRODUCTION

The Thirteenth Judicial Circuit Court serves Antrim, Grand Traverse and Leelanau Counties. The Circuit Court is a trial court of general jurisdiction that hears civil cases involving damages or loss of \$25,000 or more, matters in equity including such things as requests for injunctive relief, domestic relations matters, appellate review of lower courts and tribunals, and criminal felony cases. There are two Circuit Court Judges who “ride the circuit” and preside over matters in all three counties.

The Family Division of the Circuit Court was established in 1998 and has jurisdiction over juvenile criminal cases, child abuse and neglect, guardianships of juveniles, and adoption proceedings, as well as domestic relations matters. The Probate Judge for each county is the Presiding Judge of the Family Division within his county of election. The Chief Judge of the Circuit is responsible for the supervision of all aspects of the Court.

JUDGES OF THE THIRTEENTH JUDICIAL CIRCUIT COURT

Circuit Court Judges Philip E. Rodgers, Jr. and Thomas G. Power serve their constituents as Circuit Court Judges in all three counties and preside over all Grand Traverse County cases encompassed within the jurisdiction of the Family Division that do not involve minor children as well as half of those cases that do involve minor children. Judicial assignments are made by a random, alternating case selection process.

HON. PHILIP E. RODGERS, JR.



Honorable Philip E. Rodgers, Jr.

Judge Rodgers was first elected to the bench in 1990, and was re-elected without opposition in 1996 and 2002. Judge Rodgers served as Chief Judge from 1992 through 1997 and from 2002 through 2003. Prior to assuming the bench, the Judge was a partner and trial attorney in the law firm of Menmuir, Zimmerman, Rollert and Kuhn.

Judge Rodgers graduated in 1978 from the University of Michigan Law School. He had previously obtained his undergraduate degree from

the University. He also received a Masters of Public Policy Degree from the University in 1977. As a college student, the Judge was a Rotary International Graduate Fellow and spent a year in England studying public finance economics. Later, the Judge joined the Traverse City Rotary Club and served for six years on the Board of Directors of Rotary Charities.

Judge Rodgers has served his community through participation on the City Commission for four years, and was Mayor of the City of Traverse City in 1989. The Judge continues to be a trustee of the National Cherry Festival and is an active member of the Michigan Judge's Association, serving on both its legislative and executive committees. In 2003, he served as the organization's treasurer.

The Judge is married and has four children.

HON. THOMAS G. POWER

Judge Power is a native of Traverse City. He was elected to the bench in 1992. He began serving his second term as a judge on January 1, 1999, after running for re-election without opposition. Judge Power served as Chief Judge of the Circuit Court from 1998 through 2001 and will again serve as Chief Judge in 2004.

Prior to his election, Judge Power represented Leelanau, Grand Traverse and Kalkaska Counties in the Michigan State

Legislature for ten years. Among his committee assignments was the Judiciary Committee. Judge Power practiced law in Traverse City with the law firm of Elhart and Power.

Judge Power graduated from the University of Michigan Law School in 1974, having first obtained his undergraduate degree in Economics from Carleton College in Northfield, Minnesota. Judge Power later obtained a Masters Degree in taxation from New York University in 1978. He is a 1968 graduate of Traverse City High School.

Judge Power is a member of the Traverse City Rotary Club and the United States Coast Guard Air Auxillary and is a past member of the Traverse City School Board and the Grand Traverse/Leelanau Community Mental Health Board.

The Judge is married and has two children.



Honorable Thomas G. Power

HON. DAVID L. STOWE

Judge Stowe was elected Grand Traverse County Probate Judge in November 2000 and has served in that capacity since January 1, 2001. The Probate Court has jurisdiction over cases pertaining to admission of wills, administration of estates and trusts, guardianships, conservatorships and the treatment of the adult mentally ill and developmentally disabled. Judge Stowe also serves as the Family Division Circuit Court



Honorable David L. Stowe

Judge and presides over one half of all Grand Traverse County cases within the jurisdiction of the Family Division that involve minor children.

Before taking the bench, Judge Stowe practiced law in Traverse City. He is a past President of the Grand Traverse-Leelanau-Antrim Bar Association, and has served on numerous local and state boards involving children, families and seniors. Prior to beginning his legal career, Judge Stowe was a health department sanitarian, high school biology teacher and worked in Washington, D.C. as a lobbyist.

Judge Stowe received a Bachelor of Science degree in Zoology from Michigan State University and his law degree from Thomas M. Cooley Law School.

Judge Stowe has two boys and lives in Traverse City.

HON. NORMAN R. HAYES

Since January 1, 2001 Probate Judge Norman Hayes has served the residents of Antrim County presiding over all litigation involving estates, guardianships, conservatorships, and mental health commitments. As the Presiding Judge of the Antrim County Family Division, he also supervises all divorce actions, personal protection requests, juvenile delinquency cases, neglected or abused children proceedings, and adoption events.



Honorable Norman R. Hayes

Prior to becoming Judge of Probate, Judge Hayes served 10 years as a District Court Judge in Antrim, Otsego and Kalkaska counties and 11 years as a Prosecutor. He has previously served as a Director of the Michigan District Judges Association and a Director of the Prosecuting Attorneys Association of Michigan.

Judge Hayes obtained his undergraduate degree from the University of Michigan and Mott College and earned his law degree from Thomas M. Cooley Law School in 1979.

Judge Hayes and his wife, Mary, have been married for fifteen years and have three children.

HON. JOSEPH E. DEEGAN

Judge Deegan has served his constituents as Probate Judge presiding over all litigation involving estates, guardianships, conservatorships and mental health commitments since 1989. Effective January 1, 1998, Judge Deegan also serves the Family Division by presiding over all Leelanau County cases encompassed within the jurisdiction of the Family Division.

Judge Deegan was first elected Probate Judge for Leelanau County in 1988. He took office on January 1, 1989 and was re-elected without opposition to a second term in November of 1994 and a third term in November of 2000. Prior to taking the bench, Judge Deegan was Leelanau County Prosecuting Attorney for two terms from 1981 to 1988.



Honorable Joseph E. Deegan

Judge Deegan earned his law degree from the University of Detroit Law School in 1963 after obtaining his undergraduate degree from Sacred Heart Seminary College in Detroit.

Judge Deegan and his wife, Jeanne, have seven children and three grandchildren.

FAMILY DIVISION

The Family Division of the Circuit Court has jurisdiction over criminal cases involving minors, child abuse and neglect, guardianships of juveniles, adoption proceedings, and domestic relations matters. In Leelanau County, 117 new domestic relations cases were filed and 126 domestic relations cases were disposed

of in 2003. In Antrim County, 193 new domestic relations cases were filed and the Court disposed of 208 cases. In Grand Traverse County, 636 new domestic relations cases were filed - 386 involving minor children and 250 not involving minor children. A total of 674 domestic relations cases were completed in 2003. In addition, the Family Division of the 13th Circuit Court handled 843 juvenile delinquencies, 93 abuse and neglect cases, 104 miscellaneous family matters, 90 adoptions and 501 requests for adult and juvenile personal protection orders.

Each county maintains a local office of the Family Division. Family Division records are maintained in the County Clerk's Office for each respective County.

The Leelanau County Family Division has an active Volunteer Program that coordinates the Community Service Work Garden, among other programs. All of the members of the juvenile staff are heavily involved in the Leelanau County Family Coordinating Council. Betsy Fisher and Therese Schaub are trained coaches for the Girls on the Run Program which is designed to help girls between the ages of 8 and 11 celebrate being girls and develop strong self-esteem through physical fitness. Tom Mayhew is a Diversion Program counselor who emphasizes prevention. Leelanau County also has two non-secure detention homes and a strong substance abuse program. Ryan Douglass provides all of the Court's drug testing services.



Leelanau County Family and Probate Court
Back Row: Tom Mayhew, Joseph Povolo, Therese Schaub, Susan Richards,
Judge Joseph E. Deegan
Front Row: Julie Orr, Josephine Lingaur, Betsy Fisher, Ryan Douglass

In Grand Traverse County, the Family Division adopts a strength-based philosophy that includes intensive services. This philosophy affords the youth with the opportunity to change, thus reducing recidivism, and increasing school attendance and employability. This change helps to reduce future crime rate and jail population, thus saving the taxpayers money.

To accomplish these objectives, many programs exist to assist our youth, including the YES shoplifting program, the World of Work program, monthly MADD forums, juvenile drug court, community reconciliation, the New Vision Academy, tethering and random and frequent drug testing. The Court bills parents for every reimbursable dollar spent for their child(ren).



Grand Traverse County Family and Probate Court

Back Row: Roger LaLonde, Andrea Humphrey, Chad Bousamra, Barb Donaldson, Cheryl Burrows, Janet Kronk, Judge David L. Stowe

Front Row: Gaye Matta, Joan Layton, Kellie Robinson, Sarah McKenna, Referee Cynthia Conlon

Not Shown: Shirley Weiglein, Cindy Curry

The Family Court also has a Volunteer Services Division that oversees and manages a large cadre of dedicated volunteers who work with youth in the area of prevention and probation. The Volunteer Services Division is instrumental in molding and shaping specific programs for the Court, including collaborating with Truancy Intervention, the World of Work Program, youth transports and the Learning Partners Program, as well as stress management and the Citizen's Panel. Many volunteers work one-to-one in mentoring roles, as well as tutor-friend, probation monitor and Drug Court mentor.



Volunteer Services

Rosa Breneman, Linda Fawcett, Cindy Edmonson, Cheri Hains

Future challenges for the Grand Traverse County Family Division include creating a more structured Court-Appointed Special Advocate (CASA) program. A CASA is a volunteer who has had extensive training and is assigned to and helps speak for the best interests of a child or children in a family involved in an abuse and neglect proceeding. The Family Division also hopes to develop an Area Resource Guide of services for youth and their families.

Six years after the creation of Family Division of the Circuit Court, the delivery of service to disrupted and troubled families within Antrim County continues to evolve. Under the direction of Judge Norman R. Hayes

since January 1, 2001, the Antrim County Family Division pursues perfection in the local delivery of children's rehabilitation, prevention, and protection services and to lessen the stressors on families in transition.

Three attorneys have joined the dedicated and caring group who represent indigent clients in the juvenile section and the Court has established a permanent Lawyer-Guardian Ad Litem position to provide greater advocacy and representation to vulnerable children.

With the support of law enforcement, schools, and families the Court has embraced wraparound, diversion, and prevention services.

In 2003, 18% of delinquency cases were referred to private



Antrim County Family and Probate Court

Left to Right: William Hefferan, Therese Ankney, Sandy Davids, Judge Norman R. Hayes, Christine Watrous, Sandy Churchill, Pat Theobald

agency prevention services, supported by court financial assets, but without consuming formal judicial resources. Expansion of these same concepts has resulted in the creation of the Family Support Program which provides home-based services to families who otherwise might be petitioned into Court by State Protective Services. Ultimately, all of these efforts support our mission to protect, preserve, and assist children and families.

Given current economic times, and the additional burdens being placed on local funding units, this Division's efforts to reduce or maintain costs has become even more imperative. In 1998, Antrim County expended more Child Care Fund dollars than 44 other lower peninsula counties. In 2003, that number has been reduced to six (FIA Publication 292). For the fifth year in a row, Antrim County Child Care Fund expenditures were reduced from the preceding year (this time by 20%). The Court also diligently worked to keep general operating funds under budget by 2.3%.

In 2004, the Court looks forward to expanding partnerships with other public and private agencies and actively pursuing blended and braided funding opportunities. With the continued support of the Antrim County Commissioners and assistance from the Antrim County Clerk, Judge Hayes and his staff look forward to many more years of success.

DOMESTIC RELATIONS AND JUVENILE REFEREES



Dennis Mikko



Cynthia Conlon

Dennis Mikko and Cynthia Conlon are referees for domestic relations and juvenile matters in the Family Division. Both are attorneys licensed to practice law in Michigan and came to the Court with substantial trial experience. The Referees preside over child abuse/neglect cases, juvenile offender matters and all child-related issues in domestic relations cases in all three counties. Through its alternative dispute resolution program, specifically facilitative mediation and final settlement conferences, the Court encourages and enables parents to resolve their issues cooperatively and reach mutually agreeable solutions without the adversity and expense often associated with trial.

The Referees conducted approximately 106 hearings in custody and parenting time disputes and 1,114 show cause hearings regarding support. The Referees reviewed 385 requests for personal protection orders. Objections to child care contributions and to medical reimbursement demands were heard by the Referees and they conducted approximately 669 hearings in various delinquency and abuse/neglect matters.

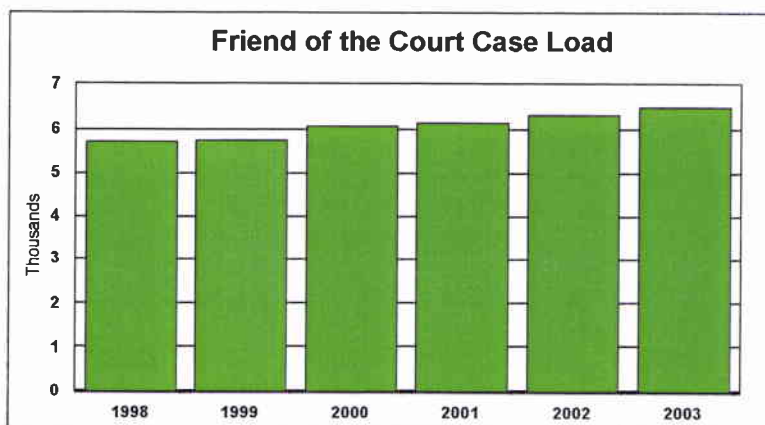
FRIEND OF THE COURT

Dawn M. Rogers is the Friend of the Court. The Friend of the Court Office (“FOC”) is responsible for representing the best interests of the children in those cases which come before the Circuit Court Family Division because of divorce, custody, child support, visitation or paternity disputes. The FOC case managers conduct interviews, gather financial information, mediate with parties and prepare written proposals offering their recommendations for review by the Family Division Judges as to what would be the best resolution possible for the children. Whenever the Court enters an order regarding custody, child support, visitation or paternity issues, the FOC is responsible for enforcing that order.



Back Row: Fran Boyle, Julie Conway, Jayne Arnold, Angela Pelletier, Ellene Peters, Carol Rose, Jeremy Hogue
Middle Row: Pete Walters, Tracie Ames, Gloria VanHoose, Alisa Gallo, Mary Ann Lyberg, Mary Anderson
Front Row: Karen Sanchez, Nan Courson, Dawn Rogers, Al Crocker

Over the years, the FOC case load has continued to increase. In 2003, 531 new cases were added to the case load: 355 from Grand Traverse, 109 from Antrim and 67 from Leelanau. Of these new cases, 319 (60%) were divorces and 147 (27.7%) were filed under the Paternity Act and the Family Support Act by the Prosecuting Attorney's office. The remainder are interstate or in-state transfers. The total case load for 2003 is 6471.

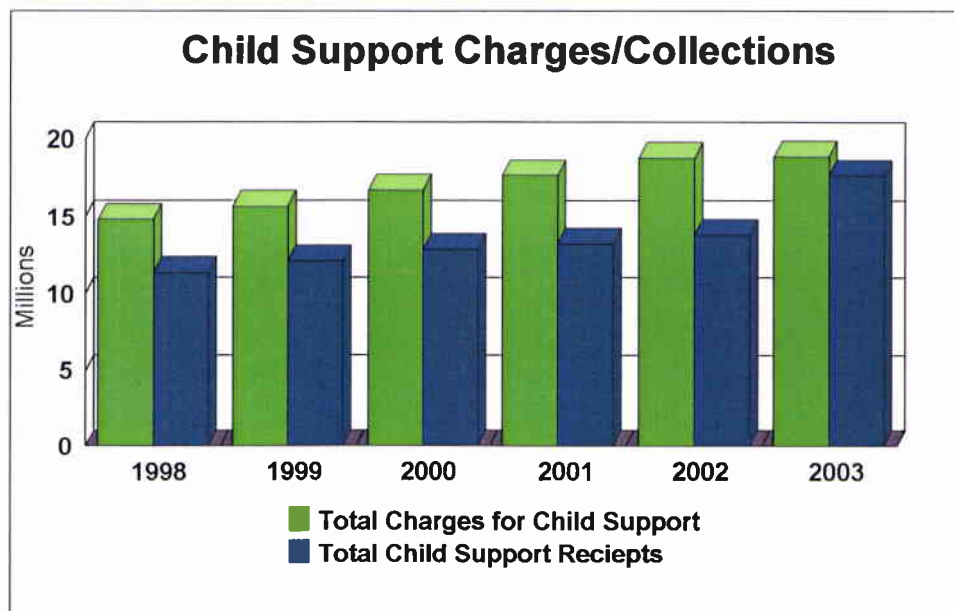


During 2003, the Case Management staff conducted investigations and made recommendations for temporary orders in 510 cases in an average of 22 days from receipt of the case at the Friend of the Court office to submission of a recommended order to the Judge. In each of these cases, the Friend of the Court schedules appointments with the parents, gathers and reviews financial information, and conducts investigation for the purpose of preparing a recommended order for the Court on child custody, parenting time, child support and health insurance and health care expenses.

Persons without legal assistance represented 25% of the new cases filed in 2003. Of the initial orders generated by the Friend of the Court office, 50% granted custody to the mother, 6% granted custody to the father, 21% provided for shared physical custody and the balance represents split care, third-party care and cases where custody was reserved initially, usually due to the fact that the parties were still residing in the same household. In 55% of the new cases, the parties agreed to custody at the initial conference; in 14% of the new cases, custody was determined by default (the defendant failed to appear or respond).

The FOC conducted 711 reviews in 2003; an average of 59 reviews per month. The average number of days for the completion of a review was about 26. Seventy-one percent (71%) of the reviews involved a review of child support and 30% of the reviews involved an issue of parenting time. The FOC also prepared 206 stipulated orders for clients in 2003 in an average of 4 days. Of the four formal mediations conducted by the FOC, one reached resolution.

The total current support charged in 2003 was \$18,922,997 and a total of \$13,423,500 was collected, resulting in a current charges to current collections ratio of 71%. When \$4,245,117 in collections for outstanding child support arrearage is added, a total of \$17,668,617 was collected in child support during the year, producing an overall charges to collections ratio of 93.4%.



FOC projects/events in 2003 included the following:

- Conversion to MiCSES.
- For the fifth year, the FOC received an Access and Visitation grant from the State Court Administrative Office. This grant allows the FOC to continue its relationship with Child and Family Services of Northwest Michigan to refer families for supervised parenting time as needed.
- Felony referrals were made and tracked. The expenses of extradition are now being paid by the FOC (as opposed to the Sheriff's Department) and the county is receiving CRP reimbursement on these expenses.
- Referrals of parents who are not paying their child support to Michigan Works has continued. Michigan Works continues to send a representative to referee show cause hearings in Grand Traverse County to meet with clients needing employment assistance.
- Friend of the Court made information on its operations and processes as well as forms available on the Grand Traverse County web site.

COURT ADMINISTRATION OFFICE

The Court Administration Office is staffed by well-trained, highly-skilled and personable members of the administrative team who continually strive to improve the Court's delivery of services. Each member of the staff has specific responsibilities and is cross-trained to assist during any other member's absence.



Terri Lynn Andresen

Terri Lynn Andresen is the Court's front desk person. She answers the telephones, greets litigants and their counsel, prepares and posts daily dockets, and reviews and distributes incoming mail. Terri Lynn also docket attorney-noticed motions and expedites personal protection orders, keeps the Judges' calendars updated, follows up on judgments and dismissals when due, and manages courtroom and court reporter assignments.

Carol Dee is primarily responsible for the enormous task of scheduling and case management. She makes sure that the Court complies with the time lines established by the Michigan Supreme Court for processing cases. As a result of her hard work and dedication, the Court has not had a case that is more than 18 months old in several years.



Carol Dee



Kathleen Alandt

Kathleen Alandt schedules both the Domestic Relations matters and personal protection order hearings. She also began to supervise child-related mediations and cases in which there are related bankruptcy proceedings pending. Kathleen is also responsible for the ordering and organizing office supplies.

Julie Arends is primarily responsible for administering the Court's Alternative Dispute Resolution Plan. In conjunction with the Judges and the local Bar Association, Julie creates the rosters of attorneys who serve as case evaluators and Court-approved mediators and she monitors every case that is ordered into case evaluation or facilitative mediation. Julie is also the Court's detail person. She creates all final judicial decisions, orders and correspondence.



Julie Arends

Teri Quinn was instrumental in developing the necessary computer program for the Court's collection program. She oversees the Local Crime Victim's Rights Fund. Teri manages the assignment of appellate counsel to represent indigent felony defendants. She prepares pre-trial worksheets and creates civil and domestic relations scheduling conference orders. Teri also prepares charts and graphs for both the Court's Annual Report and the annual Joint Judicial Commission meeting.



Teri Quinn

Jacque Cardinal is instrumental in managing the Court's collection program. She is responsible for financial supervision of approximately 2,500 felony cases. She works closely with the probation officers as well as the defendant clients to facilitate their payment schedules. She initiates show cause hearings when necessary for failure to pay. The Court recognizes that the payment of costs, fines and restitution is instrumental in the rehabilitation process. Jacque also facilitates victim restitution payments, disbursing monthly checks to victims when restitution is collected.



Jacque Cardinal

Judicial Assistants



Mike Rader

Each of the Circuit Court Judges employs a full time Judicial Assistant who conducts legal research, drafts judicial opinions and orders and serves as a liaison between the Court and the jury during jury trials. The Assistants also facilitate the movement of the cases by preparing civil scheduling

conference orders, reviewing pleadings, communicating with counsel, and working with litigants and their counsel during the final settlement conferences.

Mike Rader is Judge Power's Judicial Assistant. Prior to working for the Court, Mike worked for a local private law firm. Mike has been with the Court for 17 years.



Barbara Budros

Barbara Budros is a Judicial Staff Attorney to Judge Rodgers. Barbara is an attorney licensed to practice law in Texas and Michigan. She has a background in criminal prosecution and civil litigation. Barbara is a trained facilitative mediator. She authored the Court's ADR Plan and serves on the local bar association's ADR Committee. Barbara also authored the Court's Plan for Appointment of Counsel to Represent Indigent Parties and the Court's Case Management Plan. Barbara has been the writer, editor and photographer of the Court's Annual Report since 1998.



Karen Carmody

Court Reporter

Karen Carmody is the Court's full time Court Reporter. She has been with the Court since 1998. Like the Judges, Karen "rides the circuit" reporting cases in each of the three counties as needed.

COURT FINANCES

Pursuant to an Inter-County Operating Agreement, the Joint Judicial Commission was established to act as a liaison committee among the counties and Judges to coordinate financial and administrative responsibilities between the counties and the Court. The Joint Judicial Commission consists of the Judges, Court Administration, board chairperson, the chairperson of the Finance/Ways and Means Committee, County Administrator/Coordinator and Chief Administrative Fiscal Officer



from each county. The Commission has the authority to recommend modification of the Inter-County Operating Agreement. Each year during the budget preparation process, the Commission meets to review the

proposed annual budgets.

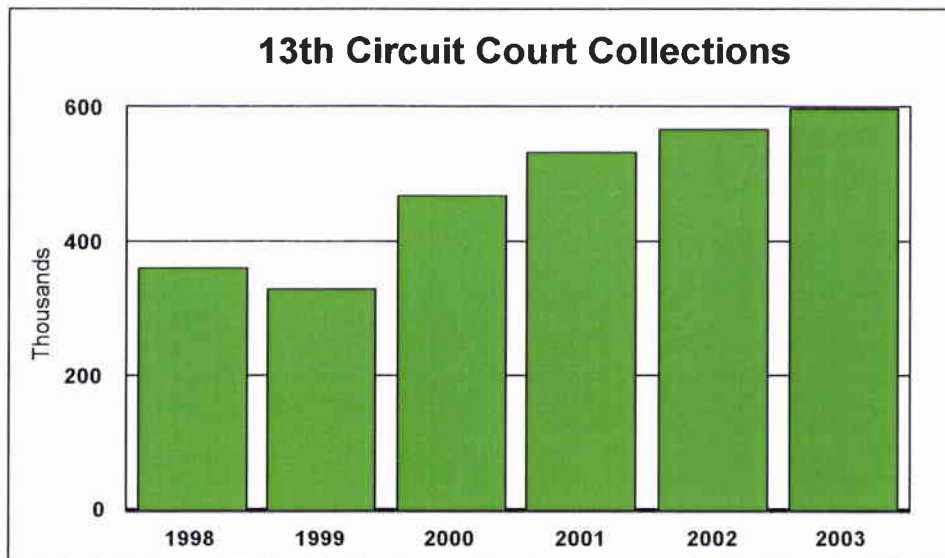


On September 18, 2003, the Joint Judicial Commission met at the Courthouse. They learned about the Court's budget requests for 2004, reviewed court-related statistics and discussed pending legislation that will affect the fiscal operations of the Court and its constituent counties.

Revenue and Expenditures

Grand Traverse County is the designated fiscal agent for the Thirteenth Circuit Court. Grand Traverse County is responsible for the processing, audit, verification, and payment of all operating expenses and for maintaining the Circuit Court Operating Fund. The expenses of operating the Court are divided into "cost-shared" and "cost-direct" expenses. Cost-shared expenses include such items as salaries and fringe benefits, office space, computer data processing, office supplies, and other capital expenditures. These expenses are paid for out of the Operating Fund. On a monthly basis, each county pays into the Fund its pro-rata share of actual expenses incurred. The pro-rata share of each county is the same proportion as the number of cases entered and commenced in that county. Cost-direct expenses such as Court appointed attorney fees, jury fees, witness fees, transcript fees and courthouse security costs are paid directly by each individual county.

In 2003, Antrim County transferred \$188,684, Leelanau County transferred \$125,790 and Grand Traverse County transferred \$1,033,175 into the Operating Fund. Additional revenue comes from the State, from filing fees, fines and court costs assessed by the County Clerks' Offices and from the Court's highly successful collection program that allows the Court to collect fines, costs, appointed attorney fees, restitution and crime victim fund payments from convicted felons. The total amount collected through the program reached the \$2 million mark in 2000. In 2003, a total of \$597,382 was collected. Of this total, \$112,246 was collected in Antrim County, \$53,334 in Leelanau County and \$431,802 in Grand Traverse County.

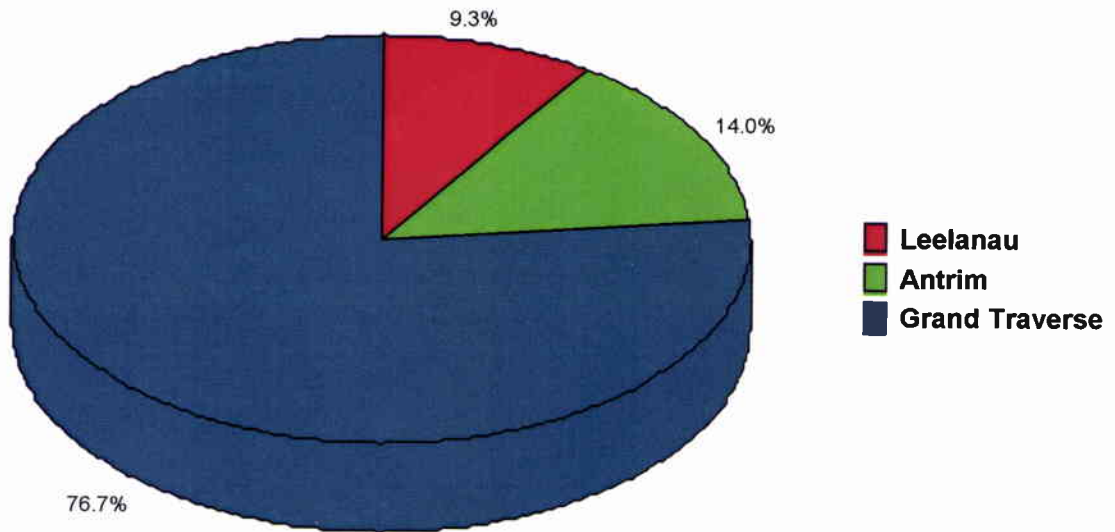


The Court's total revenue for 2003 was \$1,347,649.

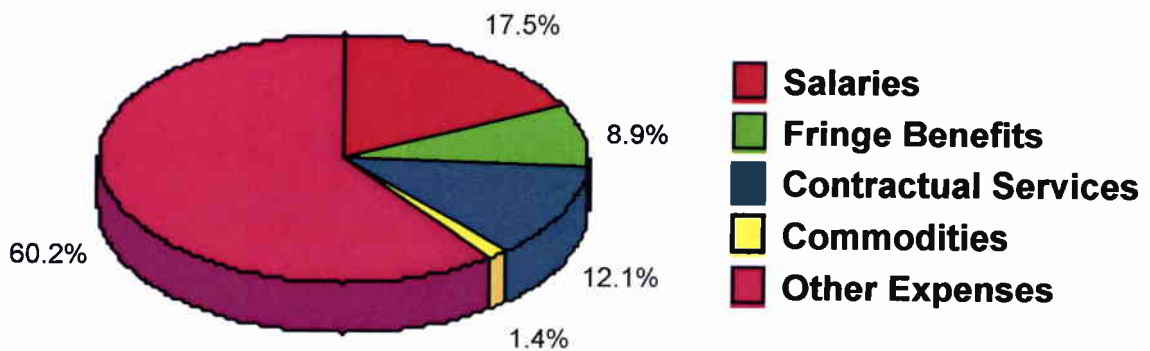
Expenditures for 2003 totaled \$1,347,649 and included:

\$ 514,746	Salaries for judicial and administrative staff.
\$ 261,448	Fringe benefits for judicial and administrative staff (incl. FICA of \$32,933).
\$ 354,319	Contractual Services for payments for defense counsel, transcripts, juror payments and mileage, interpreters, professional services and other items central to administration and operation of the Court.
\$ 40,359	Commodities, primarily for postage and office supplies.
\$ 176,777	Other expenses for costs including such items as equipment rental, printing, utilities, law books, continuing education and liability insurance.

Revenues

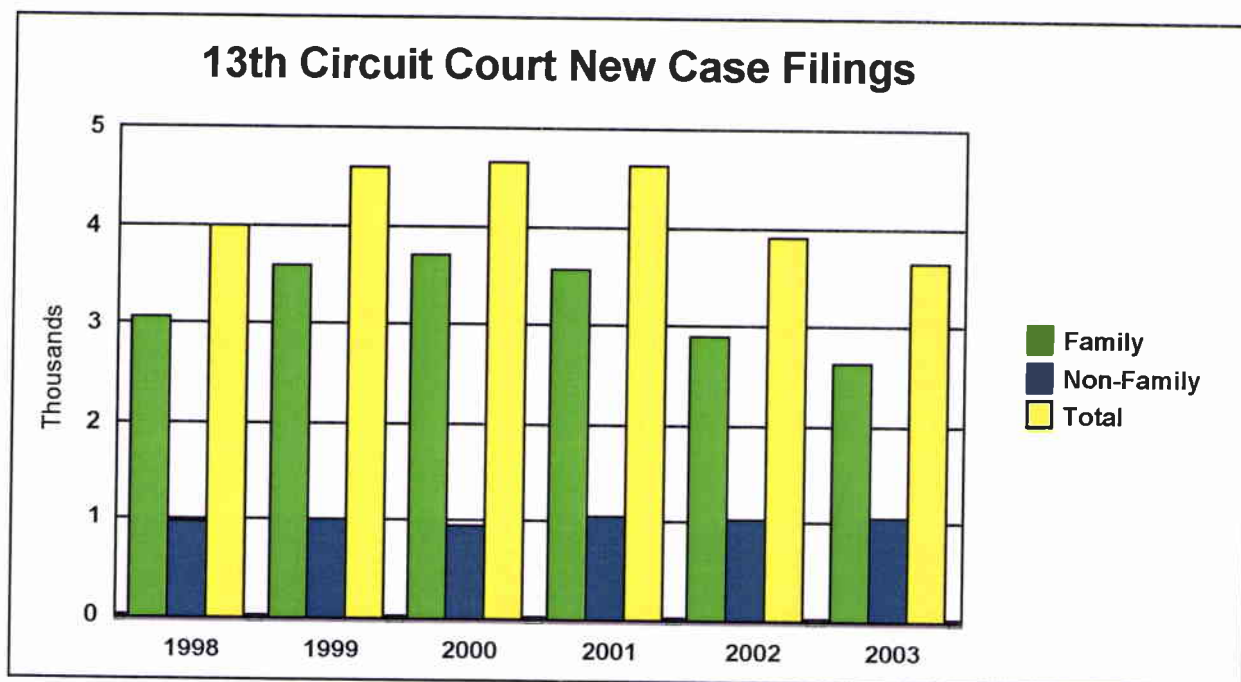


Expenditures



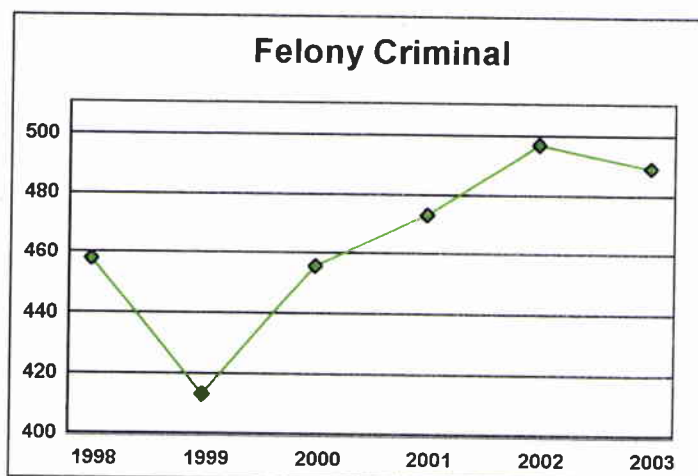
CASE LOAD

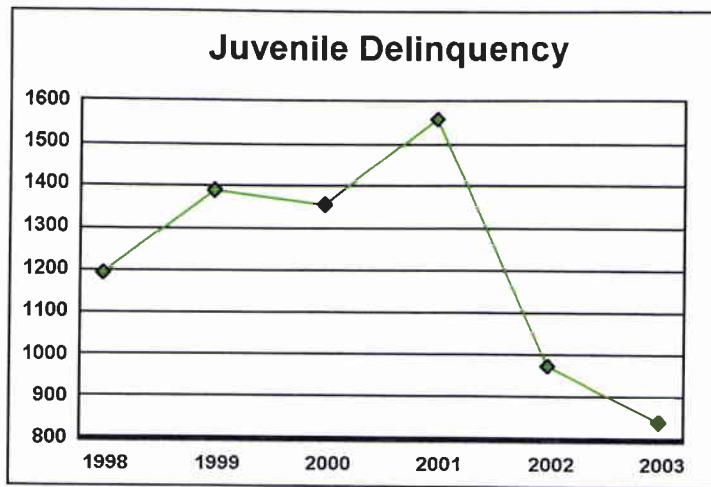
The Thirteenth Circuit Court is one of the busiest in the state. In 2003, there were 3652 new cases filed - 1037 Non-Family Circuit Court cases and 2615 Family Division cases. Of the 2615 Family Division Cases, 1177 were juvenile matters, adoptions and miscellaneous family matters that were not within the jurisdiction of the Circuit Court prior to the creation of the Family Division. The bar graph below illustrates the new case filings for the Circuit Court including, for the first time, the cases that were not within the jurisdiction of the Circuit Court prior to the creation of the Family Division in 1998.



The following graphs show some of the recent trends in new case filings.

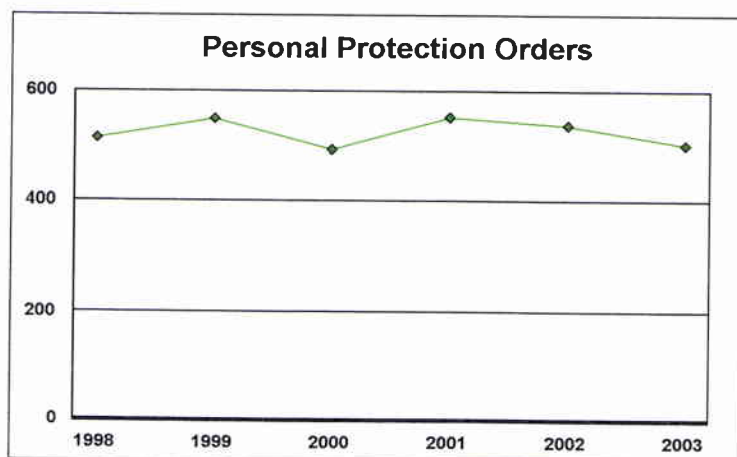
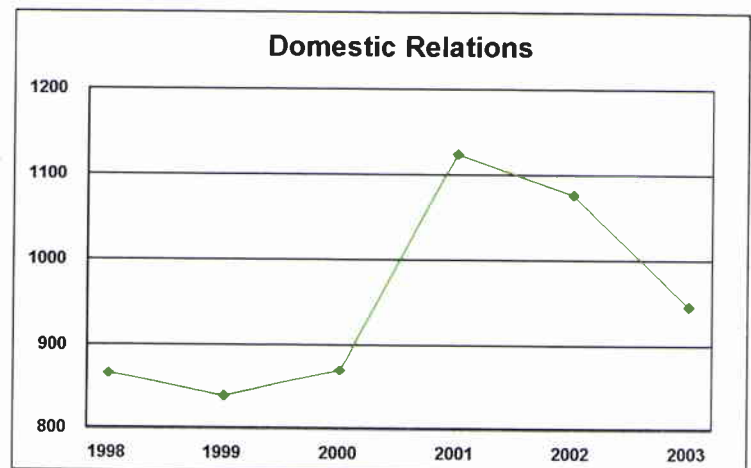
The number of felony criminal cases filed in the Circuit dropped slightly in 2003. Theft offenses, particularly embezzlements, continue to account for a significant number of cases. The Court has not noticed a significant increase in assaultive crimes. Felony drunk driving continues to be a significant portion of the case load.





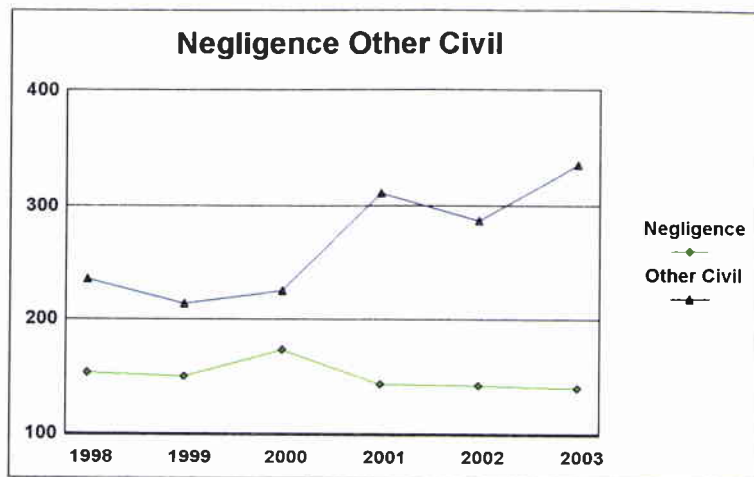
There appears to be a sharp decline in juvenile crime in 2002 which continued in 2003. This decrease is misleading because it results from misdemeanors no longer being handled by petitions, but instead being handled as tickets and from an increasing number of cases being referred to diversion programs. None of the tickets or referrals to diversion programs are counted here.

The number of Domestic Relations cases, including divorces and paternity cases, reached a record high in 2001. Divorce filings peaked in 1993 and have since declined, while paternity filings have steadily increased. The total number of new cases filed in 2002 dropped slightly and this trend continued in 2003.



The number of requests for personal protection orders declined again in 2003. There were a total of 501 requests filed. Of those, 355 were requested in domestic situations, 137 were requested in stalking situations and 9 were requested against juveniles. A total of 303 orders were actually issued - 243 domestic, 60 stalking and 7 juvenile.

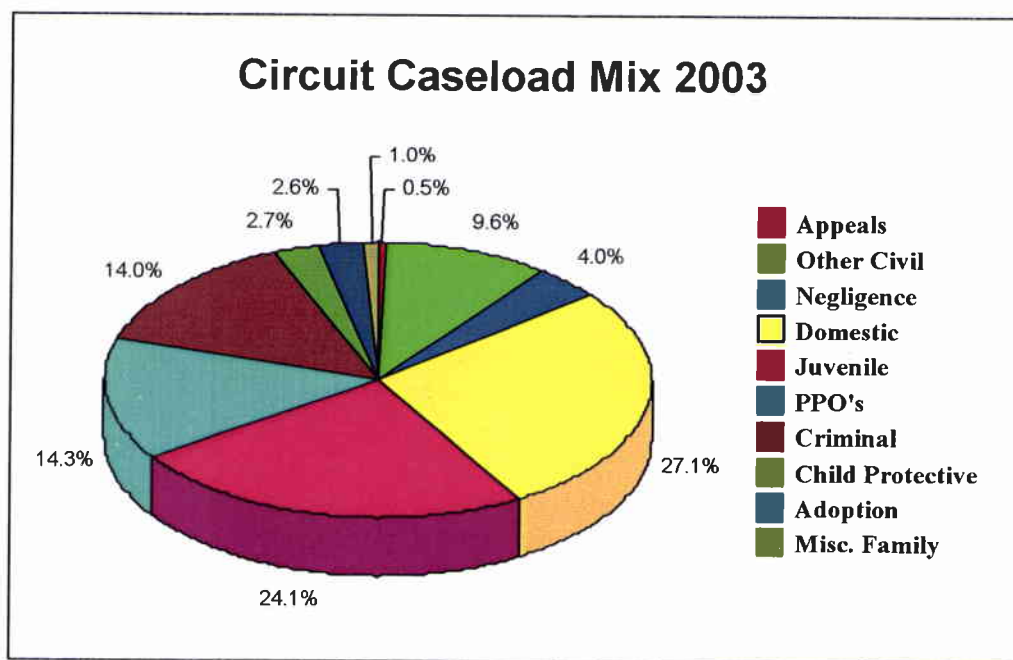
Negligence cases represent a relatively small fraction of the total annual case filings, but they are among the most complex and challenging cases. Typical negligence cases include automobile trauma, medical negligence, premises liability and disputes regarding insurance coverage or benefits. The attention paid to these cases resulted in significant court reforms that were made effective for cases



filed after the spring of 1996. In 1996, negligence case filings constituted 12% of the Court's total filings. In 2003, negligence case filings continued to decrease to a record low of only 3.8% of the total new case filings.

General and other civil matters constituted 12% of the new case filings at the beginning of the decade. That proportion gradually declined until 2003 when an increase in other civil matter filings resulted in a combined general and other civil matter increase to 13% of the total new case filings.

This pie chart shows the make up of all of the new case filings in 2003.



A total of 3920 cases were disposed of during 2003. Of these, 1161 were Circuit Court cases and 2759 were Family Division cases. There were only 905 cases still pending at the end of 2003.

CASE MANAGEMENT

The Thirteenth Circuit strictly adheres to the Michigan Court Rules time lines and Administrative Orders regarding case flow management. In every case, the Court's Scheduling Order sets forth the time line for the disposition of the case consistent with the time lines set by the State Court Administrative Office ("SCAO"). The Court's administrative staff provides intensive case management to "move the docket" and to avoid the aging of the Court's cases. Throughout Michigan, this Court has developed a reputation as a "well-oiled machine" that resolves cases in a short time frame. The Court's case management system requires constant monitoring and follow-up with the result that a litigated civil dispute can realistically be resolved within a calendar year and a criminal case within a few months.

CIVIL CASE MANAGEMENT

Alternative Dispute Resolution

Case evaluation, facilitative mediation and final settlement conferences result in the resolution of a large number of cases, thereby reducing taxpayer cost by reducing the overall need for jurors, compensation for lay and expert witnesses in criminal cases and delaying the need for additional judges and courtrooms.

Case Evaluation

Case evaluation is a non-binding, alternative dispute resolution process in which a panel of experienced attorneys, based on written summaries and oral presentations, evaluates the case. In 2003, 259 cases were ordered to case evaluation. Of those cases, 170 were resolved prior to the case evaluation and 89 cases were evaluated. In 14 cases the parties accepted the case evaluation and 6 cases were resolved before the evaluation response was due. The remaining 69 cases (76%) were not resolved through case evaluation. Of those, 46 were settled before or at the final settlement conference, 4 were settled after the final settlement conference but before the date of trial, 1 settled on the morning of trial, and 7 proceeded to trial. A total of 11 cases that were referred to case evaluation are still pending.

Facilitative Mediation

Facilitative mediation is an alternative dispute resolution process in which a neutral third party facilitates confidential communication between the parties in an attempt to help them reach a mutually agreeable resolution.

In 2003, a total of 122 domestic relations cases were ordered into facilitative mediation on property-related issues. Of those, 60 cases (49%) were settled or otherwise resolved before the mediation hearing. Another 2 cases were removed from the mediation schedule by the assigned Judge. Of the 62 cases that were mediated, 33 (53%) were resolved during the mediation hearing and 29 (47%) were not.

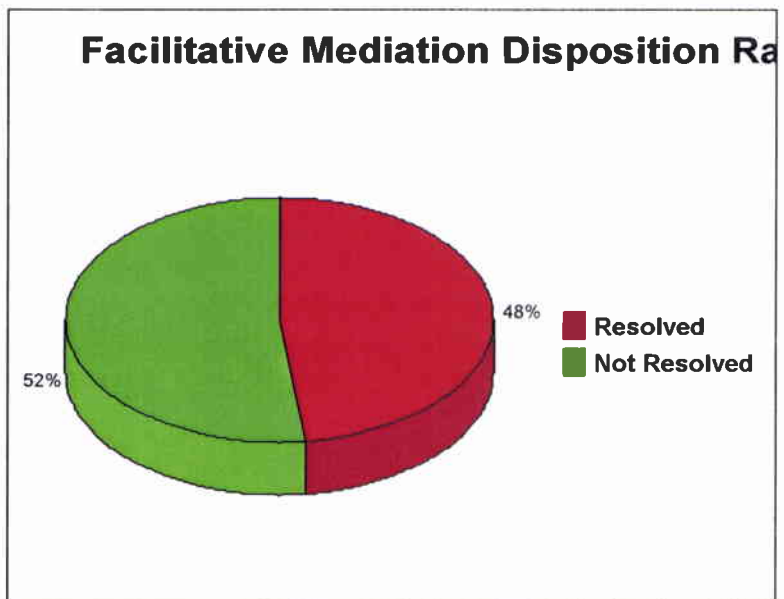
A total of 44 domestic relations cases were ordered into mediation for child-related issues. Of those cases, 27 were resolved by other dispositions before the mediation hearing and 2 cases were removed from mediation by the assigned Judge. Of the 17 cases that were mediated, 8 cases (47%) were resolved at the hearing with the mediator's assistance and 9 (53%) were not.

A total of 179 domestic relations cases were mediated by the Referees for child-related issues. Of those cases, 85 were resolved by other dispositions before the mediation hearing and 13 cases were removed from mediation by the assigned Judge. Of the 94 cases that were mediated, 48 cases (51%) were resolved at the hearing with the mediator's assistance and 46 (49%) were not.

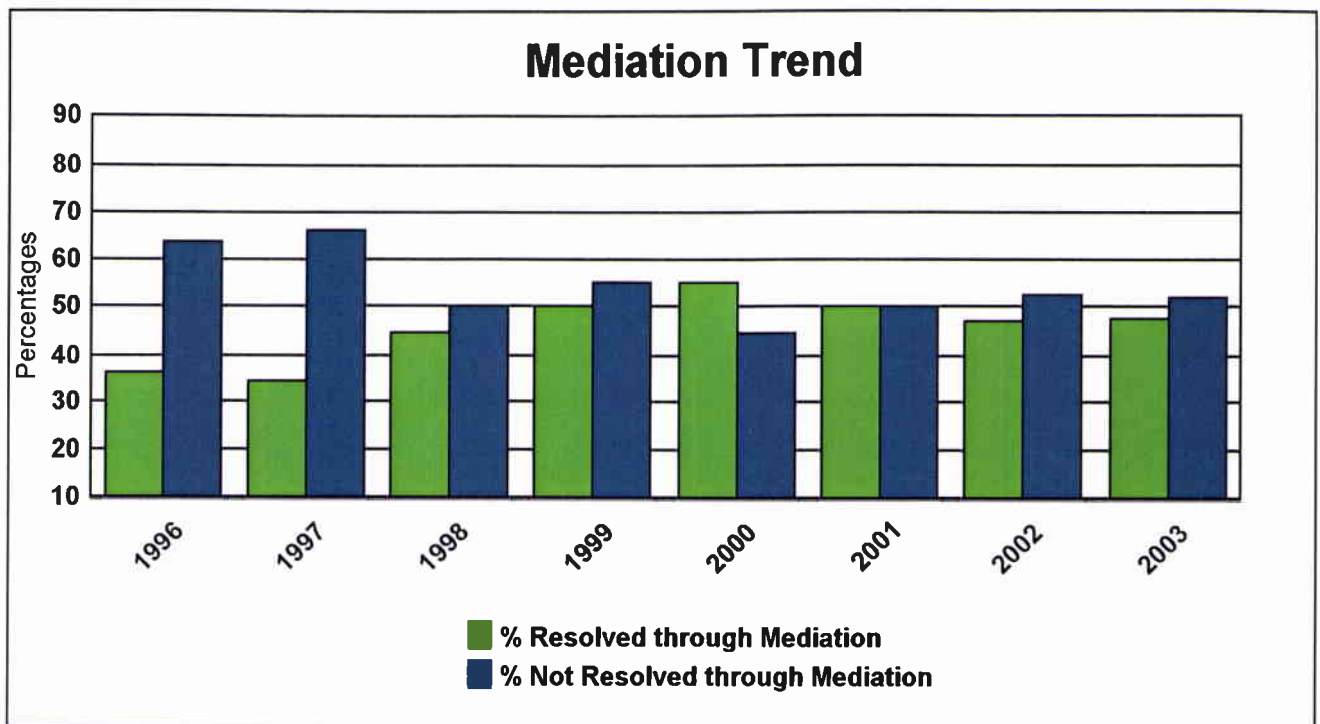
A total of 208 general civil cases were ordered into facilitative mediation. Of those, 71 cases were settled or otherwise resolved prior to mediation, 3 cases were removed from mediation by the assigned Judge. A total of 134 cases were mediated. Of those, 59 cases (44%) were resolved and 75 cases (56%) were not resolved.

The overall disposition rate through mediation is shown in the pie chart.

The historical success of facilitative mediation is illustrated in the bar graph on the next page. It is important to keep in mind that the numbers and types of cases referred to



facilitative mediation have increased and changed over time. In 2001, for example, the Court began referring personal injury cases to facilitative mediation. These cases are not as amenable to mediation as are other types of cases. Thus, the overall resolution rate has understandably declined slightly.



CRIMINAL CASE MANAGEMENT

Case Load

The following is a list of crimes for which individuals were sentenced in 2003.

CRIME TYPE	NUMBER SENTENCED
CRIMES AGAINST A PERSON	
Homicide/Solicitation of Murder	1
OUIL Causing Death	3
OUIL Causing Serious Injury	3
OUIL Occupant Under 16	1
Aggravated/Felonious Assault	9
Aggravated Stalking	2
Intentionally Aim Firearm at Person	1
Home Invasion	12
Resisting & Obstructing Police Officer	4
Domestic Violence	6
Child Abuse	3
Criminal Sexual Conduct	29
Gross Indecency	10
Larceny from a Person	4

CRIMES AGAINST PROPERTY

Enter without Breaking	5
Breaking and Entering with Intent	15
Breaking and Entering Coin-Operated Device	1
Larceny in a Building	26
Larceny from a Motor Vehicle	7
Larceny Over \$100	4
Larceny by Conversion	1
Receiving and Concealing Stolen Property	4
Steal/Use/Possess Unauth. Financial Transaction Device	17
Uttering and Publishing	9
False Pretenses	4
Embezzlement	8
Forgery	5
NSF Checks	2
No Account Checks	8
UUMV; UDAA; UUA	18
Arson	1
Malicious Destruction of Property	6
Safe Breaking	1
Racketeering	1
Money Laundering	1

CRIMES INVOLVING A CONTROLLED SUBSTANCE

Marijuana/Cocaine	41
Obtain by Fraud	4
Maintain a Drug House	10
Accessory After the Fact	2
Aiding and Abetting	5

CRIMES AGAINST PUBLIC ORDER

Desertion and Abandonment/Fail to Pay Child Support	18
False Report Felony	1
Sex Offender Failure to Register	1
Abscond Bond	4
Kidnapping/Interfere with Custody	2
Possession of Burglary Tool	1

CRIMES AGAINST PUBLIC SAFETY

OUIL 3 rd	66*
Felon in Possession of a Firearm	4
Carrying a Concealed Weapon	8
Failing to Obtain Firearm Safety Inspection	1
Fleeing/Eluding Police Officer	14

CRIMES AGAINST PUBLIC TRUST

Blue Sky Laws-Fraudulent Schemes/Statements	1
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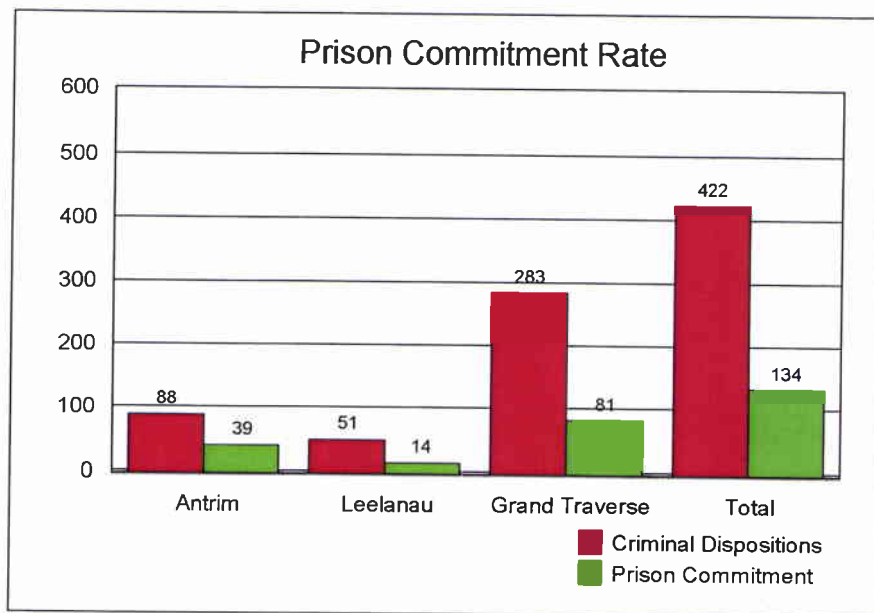
CIRCUIT TOTAL

415**

*Of the 66 total OUIL 3rd defendants, one was placed on probation, 44 were placed on probation with substantial jail time, 4 were sentenced to straight jail time and 17 were sentenced to prison. Only six of the total 66 OUIL 3rd defendants were probation violators. Of those six, three were continued on probation after serving jail time, two were sent to prison and one was sentenced to substantial jail time.

**This total does not include all of the felonies charged in the Circuit. Multiple offenders are only counted once for their most serious crime. Approximately 1/8th of the felonies were committed by probation or parole violators.

The Circuit historically accounts for a very small percentage of the total prison commitments in the state, but exceeds the overall state prison commitment rate. In 2003, the Thirteen Circuit had a 27.5% prison commitment rate in Leelanau County, a 44.3% prison commitment rate in Antrim County and a 28.6% prison commitment rate in Grand Traverse County for an overall prison commitment rate of 31.75%. The state prison commitment rate was 21.80%. This Court's sentencing practices reflect the community's belief that crime must receive a proportionate and serious response.



Probation Department

Probation officers, who are employees of the Michigan Department of Corrections, assist the Circuit Court in each county. There are seven probation officers who each supervise an average of 360 clients per month. In addition, they are responsible for preparing a pre-sentence investigation report regarding each defendant. The report includes an interview and statement from the defendant and information regarding the defendant's background, family, education, physical characteristics, and previous criminal history. The Court utilizes the report when determining an appropriate sentence.

In 2003, the Probation Department completed 27 pre-sentence investigation reports in Leelanau County, 78 in Antrim County and 139 in Grand Traverse County for a total of 244 or an average of 20.33 pre-sentence investigation reports per month. These figures include new conviction and delayed sentence updates, but not probation violation updates. There were 61 probation violations initiated in 2003 - 10 in Antrim County, 6 in Leelanau County and 45 in Grand Traverse County - approximately 5 per month.

In addition to their other responsibilities, the members of the Probation Department assist with collection efforts to recover costs and restitution and work closely with the Office of Community Corrections to begin the rehabilitative process by setting up and supervising clients on early release programs, including tether, or substance abuse treatment. Community Corrections saved 21,623 county jail bed days (almost 60 daily) during the 2002-2003 fiscal year.



Antrim County: Doug McCann, Christa Gaugler, Jim Ribby



Leelanau County: Steve Brett



Grand Traverse County:

Back Row: Linda Lautner, Chuck Welch, Bill Catinnella, Scott Cottrill
Front Row: Sandra Blake, Tom Chapman, Jim Monette

JURY BOARDS

Each of the three counties has a three member jury board. The members of the jury board are appointed by the Governor for six-year terms. The members of the Grand Traverse County jury board are Nancy Muha, Amanda Pouzar and Mary Orth. The members of the Leelanau jury board are Al Porter, Theresa Morio and Joyce Stackable. The members of the Antrim County jury board are Cathleen Beal, Jan Olack and Patricia Colvin.

Each jury board obtains the names of prospective jurors from the Secretary of State list of licensed drivers and issued state identifications and is responsible for sending out the original juror questionnaires for their respective county. After the original questionnaire is returned, the jury boards pull the names of the jurors for their Circuit Court, District Court and Probate/Family Court.

The County Clerk's Office in each county is responsible for actually summoning the jurors for a particular Court panel. The County Clerk's Office is also responsible for following up with any juror who fails to return the initial questionnaire or appear when summoned. The County Clerk's Office pays the jurors for their service. In 2002, the County Commissioners increased the per diem for jurors, effective January 1, 2003. In Grand Traverse and Leelanau Counties the per diem is now \$25 for a half day and \$50 for a full day of service. In Antrim County, the per diem is now \$35 for a half day and \$55 for a full day of service.

To qualify as a juror, a person must be a citizen of the United States, at least 18 years of age and a resident of the county for which selected. A prospective juror must also be conversant with the English language, be physically and mentally able to carry out the functions of a juror (temporary inability is not considered a disqualification), not have served as a petit juror in a court of record during the preceding 12 months and not be under sentence of a felony at the time of jury selection. Effective October 1, 2003, to qualify as a juror a person must not have been convicted of a felony.

In 2003, 1003 people were summoned for jury service in Leelanau County. Of those prospective jurors, 307 were required to report for duty and 66 actually served in the three criminal and four civil cases that went to trial. The total cost to Leelanau County for jury service was \$22,696.78.

In Antrim County, 729 jurors were summoned in 2003, 317 reported for duty and 73 actually served in the five criminal and two civil cases that went to trial. The total cost to Antrim County was \$15,855.19. In Grand Traverse County, 3138 prospective jurors were summoned; 612 reported for duty; and 168 actually served in the nine criminal and nine civil cases that went to trial. The total cost of jury service in Grand Traverse County was \$38,436.08.

COUNTY LAW LIBRARIES

In each of the three counties, the Judges and their staff have access to the respective County Law Library. The Grand Traverse County Law Library is located on the fourth floor of the County Courthouse in Traverse City. It operates in a partnership with the Grand Traverse-Leelanau-Antrim Bar Association, Grand Traverse County, and the Traverse Area District Library. The Law Library is open to the public from 8:30 a.m. to 5 p.m. weekdays and offers computer research capabilities as well as access to books and forms.

Grace Rudd and Michele Howard are the Law Librarians. The Library also houses the local Bar Association's office, including the Traverse Attorney Referral Service.

The NMC Paralegal Program legal research class meets in the Law Library and the students' laboratory fees are used to purchase additional resources for the library. Judge Rodgers, Staff Attorney Barbara Budros and Grace Rudd serve on the Advisory Board for the Northwestern Michigan College Paralegal Program.



Librarian Michele Howard

SPECIAL EVENTS, AWARDS AND RECOGNITIONS

LIBERTY BELL AWARD

Every year on Law Day, the Grand Traverse-Leelanau-Antrim Bar Association organizes various activities which help to introduce members of the general public to the legal system and legal profession. The Bar offers tours of the courthouse and County Law Library. The Bar staffs "Ask the Lawyer" forums in the community to answer law-related questions.

Every year a member of the community is honored as the recipient of the Liberty Bell Award. The recipient of the Law Day 2003 Liberty Bell Award was Rebecca Garland. Rebecca has been the Legal Advocate at the Women's Resource Center - Grand Traverse Area since 1996. In that capacity, she assists survivors of domestic and sexual violence to obtain and enforce Personal Protection Orders. She also provides general information about the criminal and civil justice systems and makes referrals to other community resources when clients need additional legal assistance.



Rebecca Garland

Rebecca also serves as an advocate for survivors of domestic and sexual violence in a variety of capacities at the state and local level. She is the Secretary of the Michigan Coalition Against Domestic and Sexual Violence and has been a member of its Board of Directors since 2002. The mission of the Coalition is to develop and promote efforts aimed at the elimination of domestic and sexual violence in Michigan.

Rebecca is a former member of the Board of Directors of the Michigan League of Human Services, a member of NALS - the association of legal professionals, and has held a number of positions with the Grand Traverse Area Legal Professionals, including Second Alternate Governor, Pro Bono Committee Chair and Secretary. She is a member of the American Association of University Women - Traverse City Branch and the current Chair of the Diversity Committee.

RETIREMENTS

Two long-term employees of the Office of the Friend of the Court retired in 2003. Case managers Sandra Sinclair and Emily Jackson both retired after many years of service. Their experience, knowledge and many other contributions will be missed.

RECOGNITION

In 2003, Al Crocker celebrated his 15th year of service to the Friend of the Court. Thank you, Al.



Al Crocker